

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
GREENBELT DIVISION

IN RE:
ESTHER P AKINYI A/K/A ESTHER
GARNER A/K/A ESTHER PEREZ AKINYI-
GARNER

Debtor

BCN#: 18-14722

Chapter: 7

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SPECIALTY
UNDERWRITING AND RESIDENTIAL
FINANCE TRUST MORTGAGE LOAN
ASSET-BACKED CERTIFICATES, SERIES
2006-BC1

and its assignees and/or
successors in interest,

Movant/Secured Creditor,

v.

ESTHER P AKINYI AKA ESTHER GARNER
AKA ESTHER PEREZ AKINYI-GARNER

Debtor

and

Steven H Greenfeld

Trustee

Respondents

**MOTION FOR ORDER GRANTING RELIEF
FROM AUTOMATIC STAY**

COMES NOW, U.S. Bank National Association, as Trustee for SPECIALTY
UNDERWRITING AND RESIDENTIAL FINANCE TRUST MORTGAGE LOAN ASSET-
BACKED CERTIFICATES, SERIES 2006-BC1, its assignees and/or successors in
interest, (Movant herein), by Counsel, alleges as follows:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U.S.C. Sections 157 and 1334 and 11 U.S.C. 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001-1(a), and that this matter is a core proceeding.
2. The above named Debtor(s) filed a Chapter 7 Petition in Bankruptcy with this Court on April 10, 2018.
3. The Movant is the current payee of a promissory note secured by a Purchase Money Deed of Trust upon a parcel of real property with the address of 18414

Hallmark Ct, Gaithersburg, MD 20879 and more particularly described in the Purchase Money Deed of Trust dated September 7, 2005 and recorded at Book 30915 at Page 106, among the land records of the County of Montgomery, Maryland:

Lot numbered Seven (7) in Block lettered "V" in the subdivision known as "PLAT 19, FLOWER HILL" as per plat thereof duly recorded among the Land Records of Montgomery County, Maryland in Plat Book 122 at Plat No. 14332.

Copies of the Note and Purchase Money Deed of Trust are attached hereto, marked as exhibits A & B and made a part hereof by reference.

4. This Movant is informed and believes, and based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor(s).

5. As of October 15, 2018, the estimated outstanding obligations are:

| | |
|--|---------------|
| Unpaid Principal Balance | \$ 289,755.15 |
| Unpaid, Accrued Interest | \$ 17,607.76 |
| Uncollected Late Charges | \$ 0.00 |
| Mortgage Insurance Premiums | \$ 0.00 |
| Taxes and Insurance Payments on behalf of Debtor | \$ 11,552.96 |
| Other Costs | \$ 46,913.36 |
| Less: Partial Payments | (\$ 916.11) |
| Minimum Outstanding Obligations | \$ 364,913.12 |

6. The Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and Purchase Money Deed of Trust.

As of October 15, 2018, the Debtor is due for:

| Number of Missed Payments | From | To | Monthly Payment Amount | Total Missed Payments |
|---|------------------|-----------------|------------------------|-----------------------|
| 30 | November 1, 2015 | April 1, 2018 | \$1,211.51 | \$36,345.30 |
| 6 | May 1, 2018 | October 1, 2018 | \$1,218.20 | \$7,309.20 |
| Atty Fees and Costs: | | | | \$931.00 |
| Less partial payments (suspense balance): | | | | (\$916.11) |
| Total Payments: | | | | \$43,669.39 |

7. The Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Purchase Money Deed of Trust, but is prevented by the Automatic Stay from going forward with these proceedings.

8. This Movant is informed and believes, and based upon such information and belief, alleges that absent this Court's Order allowing this Movant to proceed with the pending foreclosure, Movant's security will be significantly jeopardized and/or destroyed.

9. Steven H Greenfeld, has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

10. This Movant is informed and believes and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay, and for such other relief as the Court deem proper.

Dated: October 24, 2018

SHAPIRO & BROWN, LLP
Attorneys for Movant

By: /s/ Malcolm B. Savage, III
William M. Savage, Esquire
Federal I.D. Bar No. 06335
Kristine D. Brown, Esquire
Federal I.D. Bar No. 14961
Thomas J. Gartner, Esquire
Federal I.D. Bar No. 18808
Gregory N. Britto, Esquire
Federal I.D. Bar No. 22531
Renee Dyson, Esquire
Federal I.D. Bar No. 15955
Malcolm B. Savage, III, Esquire
Federal I.D. Bar No. 20300
LAW OFFICES OF
SHAPIRO & BROWN, LLP

10021 Balls Ford Road, Suite 200
Manassas, Virginia 20109
(703) 449-5800
ECF@Logs.com

Certificate of Service

I hereby certify that on the 24th day of October, 2018, the following person(s) were served a copy of the foregoing Motion for Order for Relief from Automatic Stay in the manner described below:

Via CM/ECF Electronic Notice:

DMITRY DAVID BALANNIK
715 ROLLING FIELDS WAY
Rockville, MD 20850

Debtor's Attorney

Steven H Greenfeld
Cohen, Baldinger & Greenfeld, LLC
2600 Tower Oaks Blvd
Suite 103
Rockville, MD 20852

Trustee

Via First Class Mail, Postage Prepaid:

Esther P Akinyi aka Esther Garner
aka Esther Perez Akinyi-Garner
18414 Hallmark Ct
Gaithersburg, MD 20879

Debtor

/s/ Malcolm B. Savage, III
William M. Savage, Esquire
Kristine D. Brown, Esquire
Thomas J. Gartner, Esquire
Gregory N. Britto, Esquire
Renee Dyson, Esquire
Malcolm B. Savage, III, Esquire